of USPN 5,903,737 (Han). Applicant respectfully traverses the rejections and requests reconsideration.

Criteria for a Rejection under 35 U.S.C. § 102

The criteria for a rejection under 35 U.S.C. § 102 has been clearly defined by the courts and confirmed by the U.S. Patent and Trademark Office. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Criteria for a Rejection under 35 U.S.C. § 103(a)

The U.S. Patent and Trademark Office has set forth a methodology for establishing a *prima facie* case of obviousness. Specifically, three basic criteria must be met.

> First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

See MPEP 706.02 (j).

Overview of Reason for Traversal

All the independent claims were rejected over Cromer. However, Examiner has failed to show that each and every element set forth in the independent claims is found either expressly or inherently in Cromer, or is suggested by Cromer

Below, Applicant clearly and unambiguously points out subject matter within each independent claim that is not disclosed or suggested by Cromer. On the basis of this, Applicant believes all the claims are patentable over Cromer, whether considered alone or in combination with Han.

Brief Description of Cromer

Cromer discloses separately powered network interface for reporting the activity states of a network connected client.

Brief Description of Han

Han discloses an apparatus and method for serial data communication utilizing general microcomputer.

Discussion of Independent Claim 1

Independent claim 1 sets out a chip for incorporation within a network device connectable to a computer network. The chip includes a media access controller, a host interface and an embedded processor.

The embedded processor is between the host interface and the media access controller. The embedded processor is programmable to function as a

manageability web server, communicate with the host interface and obtain manageability information about the network device. The embedded processor further is programmable to send the manageability information to the media access controller for transmission over the computer network. This is not disclosed or suggested by Cromer, whether considered alone or in combination with Han.

Specifically, Examiner has asserted: "The embedded processor 400 further is programmable to send the manageability information to the media access controller 308 for transmission over the computer network." This is incorrect and specifically refuted by the specific language of Cromer.

For example, Cromer at column 3, lines 42 through 47 states the following:

> By so connecting the logic 400 at the MII bus, it can send network packets using the physical layer 304. The logic 400 according to the invention monitors logic signal from client system 104, detects states, creates packets, and sends data over the MII bus to physical layer 304.

Cromer thus specifically teaches that logic 400 sends data to physical layer 304, not to the media access controller 308. While logic 400 and media access controller 308 are both connected to the MII bus, nowhere does Cromer give any disclosure or suggestion that logic 400 and media access controller ever communicate with each other. This is a clear teaching away from the subject matter set out in claim 1 of the present case.

Also, Examiner has asserted: "Cromer et al discloses in column 3, lines 32-52 that the embedded processor 400 is programmable to function as a manageability web server..." This statement by Examiner is also incorrect.

Cromer at column 3, lines 44 through 47 states the following:

> The logic 400 according to the invention monitors logic signal from client system 104, detects states, creates packets, and sends data over the MII bus to physical layer 304.

Cromer thus specifically teaches that logic 400 detects states, creates packets, and sends data over the MII bus to physical layer 304. This is the only functionality that Cromer discloses that is performed by logic 400. Nowhere does Cromer disclose or suggest that logic 400 is programmed to function as a manageability web server. In fact, nowhere does Cromer indicate that logic 400 is able to receive packets or any other communications over a network. Thus it is clear that Cromer does not disclose or suggest logic is programmed to function as a manageability web server.

Discussion of Independent Claim 13

Independent claim 13 sets out a network device. The network device includes a chip. The chip includes a media access controller, an interchip communications interface and an embedded processor.

Non-volatile memory is programmed with a plurality of executable instructions. The instructions, when executed, instructs the embedded processor to function as a manageability web server, communicate with the interchip communications means to obtain manageability information about the compliant device, and send the manageability information to the media access controller for transmission over the computer network. This is not disclosed or suggested by Cromer, whether considered alone or in combination with Han.

Specifically, Examiner has asserted: "The instructions, when executed, instructing the embedded processor 400 to function as a manageability web server, communicate with the interchip communication to obtain manageability information about the compliant device and send the manageability information to the media access controller 308 for transmission over the computer network." This is incorrect and specifically refuted by the specific language of Cromer.

For example Cromer at column 3, lines 42 through 47 states the following:

> By so connecting the logic 400 at the MII bus, it can send network packets using the physical layer 304. The logic 400 according to the invention monitors logic signal from client system 104, detects states, creates packets, and sends data over the MII bus to physical layer 304.

Cromer thus specifically teaches that logic 400 sends data to physical layer 304, not to the media access controller 308. While logic 400 and media access controller 308 are both connected to the MII bus, nowhere does Cromer give any disclosure or suggestion that logic 400 and media access controller ever communicate with each other. This is a clear teaching away from the subject matter set out in claim 13 of the present case.

Also, Examiner has asserted: "Figure 5, in particular, of Cromer et al shows non-volatile memory programmed with a plurality of executable instructions (source, destination, length, etc.). The instructions, when executed, instructing the embedded processor 400 to function as a manageability web server,..." This statement by Examiner is also incorrect.

Cromer at column 3, lines 55 through 59 states the following:

> When timer 508 expires, microcontroller 502 according the invention will gather information for packet generation such as IP header, UDP header and universal identifier (UUID) from non-volatile memory 504.

This is the only information Cromer discloses about non-volatile memory 504. Nothing in Cromer discloses or suggests that non-volatile memory is programmed with a plurality of executable instructions, the instructions, when executed, instructing an embedded processor to function as a manageability web server, as set out in claim 13 of the present case.

Discussion of Independent Claim 23

Independent claim 23 sets out a system. The system includes a network device. The network device includes a chip. The chip includes a media access controller and an embedded processor programmed to function as an HTTP manageability web server. This functionality is not disclosed or suggested by Cromer.

Examiner has asserted the following: "In column 1, lines 40 through 44 of Cromer et al discloses that processor 400 can be programmed to function as a manageability web server and a network manager coupled to the computer network." This statement by Examiner is incorrect. In column 1, lines 40 through 44, Cromer discusses prior art software available to manage systems remotely. In column 1, lines 40 through 44, Cromer is not discussing logic 400. Nothing in column 1, lines 40 through 44 can be interpreted as disclosing or suggesting that logic 400 is programmed to function as an HTTP manageability web server.

Cromer at column 3, lines 44 through 47 states the following:

> The logic 400 according to the invention monitors logic signal from client system 104, detects states, creates packets, and sends data over the MII bus to physical layer 304.

Cromer thus specifically teaches that logic 400 detects states, creates packets, and sends data over the MII bus to physical layer 304. This is the only functionality that Cromer discloses that is performed by logic 400. Nowhere does Cromer disclose or suggest that logic 400 is programmed to function as an HTTP manageability web server. In fact, nowhere does Cromer indicate that logic 400 is able to receive packets or any other communications over a network. Thus it is clear that Cromer does not disclose or suggest logic 400 is programmed to function as an HTTP manageability web server.

Conclusion

Applicant believes that the present Application is in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,
DAVE GOH, ET AL.

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